

By: Dutton

H.B. No. 170

A BILL TO BE ENTITLED

AN ACT

relating to single-occupancy bathroom and changing facilities in public buildings; authorizing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 341, Health and Safety Code, is amended by adding Sections 341.071 and 341.0711 to read as follows:

Sec. 341.071. BATHROOM AND CHANGING FACILITIES. (a) In this section:

(1) "Public building" means a building used or to be used for purposes that provide for public access or occupancy, including a building owned or controlled by this state or a political subdivision of this state.

(2) "Single-occupancy bathroom or changing facility" means a facility designed or designated for use by only one person at a time, where a person may be in a state of undress, including a single toilet restroom with a locking door that is designed or designated as unisex.

(b) A person with control over bathrooms and changing facilities in a public building shall ensure that each bathroom and changing facility located in the public building is a gender-neutral, single-occupancy bathroom or changing facility.

(c) Subsection (b) does not apply to:

(1) a federal building or other building exempt from the requirements of that subsection by the application of other

1 law; or

2 (2) a public building constructed before January 1,  
3 2018.

4 Sec. 341.0711. BATHROOM AND CHANGING FACILITIES; CIVIL  
5 PENALTY. (a) A person who violates Section 341.071 is subject to a  
6 civil penalty of not less than \$500 for each violation.

7 (b) Each day a violation continues or occurs constitutes a  
8 separate violation for the purposes of assessing a civil penalty  
9 under this section.

10 (c) In determining the amount of a civil penalty, the court  
11 hearing the matter shall consider:

- 12 (1) the person's history of previous violations;  
13 (2) the seriousness of the violation;  
14 (3) the amount necessary to deter future violations;  
15 (4) the demonstrated good faith of the person charged;

16 and

17 (5) any other matter as justice may require.

18 (d) The attorney general or the appropriate district or  
19 county attorney, in the name of the state, may bring an action under  
20 this section in a district court of Travis County or of a county in  
21 which the violation occurs.

22 (e) A civil penalty recovered in a suit instituted by a  
23 local government under this chapter shall be paid to the local  
24 government.

25 (f) The attorney general or the appropriate district or  
26 county attorney may recover reasonable expenses, including  
27 investigative costs, reasonable attorney's fees, witness fees, and

1 deposition expenses, incurred in obtaining a civil penalty under  
2 this section.

3 SECTION 2. Subchapter F, Chapter 341, Health and Safety  
4 Code, is amended by adding Section 341.093 to read as follows:

5 Sec. 341.093. APPLICABILITY. This subchapter does not  
6 apply to a violation of Section 341.071.

7 SECTION 3. Sections 341.071 and 341.0711, Health and Safety  
8 Code, as added by this Act, apply only with respect to the  
9 construction of a public building commenced on or after January 1,  
10 2018. Construction of a public building commenced before the  
11 effective date of this Act is governed by the law applicable to the  
12 construction immediately before the effective date of this Act.  
13 For the purposes of this section, construction commenced before  
14 January 1, 2018, if the application for a building permit under  
15 which the construction commences was submitted before January 1,  
16 2018.

17 SECTION 4. This Act takes effect December 1, 2017.